

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

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|---------------------|---|--------------------------|
| ROBERT DESOUSA, |) | |
| |) | |
| Petitioner, |) | Civil Case No. 05-501-ST |
| |) | |
| vs. |) | ORDER |
| |) | |
| MICHAEL WASHINGTON, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

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KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on July 22, 2008. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). The petitioner has filed objections and the government has filed a response.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a *de novo* determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I find no error.

Accordingly, I ADOPT Judge Stewart's Findings and Recommendation (#61). The Petition for Writ of Habeas Corpus (#1) is DENIED. This action is dismissed with prejudice.

Dated this _____ 3rd _____ day of September, 2008.

/s/ Garr M. King
Garr M. King
United States District Judge